

SINGLE BENCH

C.S. 1001

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION NO. 5101 OF 2005

PETITIONER

✓ Ram Deen Chandra S/o Loknath,
aged about 40 years, Rural
Agriculture Extension Officer
(R.A.E.O.), Agriculture
Department, Marwahi, Dist. -
Bilaspur, (C.G.)

P.R. No. 5229/05
Presented by: Rahul Bhothary
dated: 31/10/05

VERSUS

RESPONDENTS

- ✓ 1. State of Chhattisgarh,
Through the Secretary, D.K.S.
Bhawan, Raipur, (C.G.)
2. Joint Director,
(Anchalik Prabandhak, Krishi
Jalwayu Chhetriya Pariyojana)
Bilaspur, Agriculture Department
Bilaspur, (C.G.)
- ✓ 3. Deputy Director,
Agriculture, Bilaspur, District
Bilapur (C.G.)

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CLERK to A. G. BILASPUR
5.10.05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA FOR ISSUE OF AN APPROPRIATE WRIT IN THE NATURE OF
MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE
NATURE ETC.

आदेश पत्रक

मामला क्रमांक

WP 5101/05

सन् 200

34

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>10-2-2006</u> Shri A.V. Shridhar. Advocate, counsel for the petitioner. Shri A.S. Kachhawaha. Dy. Govt. Adv. for the State. Heard finally with consent. The petitioner has filed this petition under Article 226/227 of the Constitution of India against the order dated 11-2-2003 (Annexure-P/1) passed by respondent no. 2. The petitioner is working as Rural Agriculture Extension Officer in Block Marwahi. He was suspended by order dated 30-6-1995 (Annexure P-2) on the ground that he remained in custody for more than 48 hours and concealed his arrest made in criminal cases. It is stated that the petitioner had been arrested on 17-9-1994 for offence under Sections 151, 107 & 116(3) and released on 29-9-1994 and he again arrested on 7-3-1995 for offence under Sections 353, 180, 186, 294 & 506-B of the Indian Penal Code and released on 9-3-1995. An enquiry was held. The enquiry officer submitted his report. The petitioner's explanation was called for. The petitioner submitted his reply dated 11-3-2002 (Anenxure-P/3) and denied the charges. The authorities however as per Annexure-P/4 dated 22-7-2002 punished him with stoppage of one increment and during the period of suspension no payment will be made except suspension allowance. It is however, directed that the period of suspension from 1-2-95 to 19-7-2001 will be continued for service. The petitioner preferred an appeal dated 22-1-2003 (Annexure-P/5) under Rule 23(iii) of C.G. Civil Services (Classification, Control and Appeal) Rules 1966 on the ground that he has been acquitted in all criminal cases and he also informed	

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आदेश पत्रक

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	about his arrest to his senior officers. In the said appeal the petitioner has also stated that he has lost the original copy of the order of punishment dated 22-7-2002 served upon him on 9-8-2002 and when he found the same on 14-1-2003 immediately he contacted the counsel and filed the appeal. In the appeal it is stated that the delay is bona fide and prayed that the delay may be condoned. Learned counsel for the petitioner referred to document Annexure-P/6 and submits that the petitioner was paid only 50% suspension allowance whereas he should have been paid 75%. The authorities as per order dated 11-2-2003 (Anexure-P/1) rejected the appeal as barred by time. Learned counsel for the petitioner submits that the authority has not at all considered the grounds urged by the petitioner for condonation of delay and the same has been dismissed on the ground that the appeal is preferred by the petitioner beyond 45 days. Learned counsel prayed that the delay may be condoned and the authorities may be directed to decide the appeal of the petitioner on merits. Against the punishment remedy of appeal is provided and limitation is also there. The authority has the jurisdiction to condone the delay, but the authority not at all considered the grounds urged by the petitioner and rejected the same mechanically. Having considered the facts and circumstances of the case and material on record, in the opinion of this Court, ends of justice will be served, if the delay in preferring the appeal by the petitioner is condoned. Accordingly, the delay in preferring the appeal is condoned. The impugned order Annexure P-1 dated 11-2-2003 passed by the respondent no. 2 is set aside. The matter is	

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Pathak/G	-3- remanded back to the respondent no. 2 and it is further directed that the appeal Annexure P-5 preferred by the petitioner be decided on its own merits in accordance with law as early as possible. Subject to what has been stated above, the petition stands disposed of. Certified copy as per rules.	Sd/- Fakhruddin Judge

[पीछे देखिये]

1/22/06